

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

APR 17 1995

FCC FILED

In the Matter of

Amendment of Part 97 of the )  
Commission's Rules to Eliminate )  
Certain One-way Communications in ) **RM-8626**  
the Amateur Radio Service Medium )  
and High Frequency Bands )

DOCKET FILE COPY ORIGINAL

TO: The Commission

COMMENTS OF  
COLLEEN K. BRAKOB, NØPGL

Colleen K. Brakob, NØPGL  
1610 Weston Lane  
Plymouth, MN 55447  
(612) 473-6246

April 10, 1995

No. of Copies rec'd  
List A B C D E

OHG  
PRB

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of

Amendment of Part 97 of the )  
Commission's Rules to Eliminate )  
Certain One-Way Communications in ) RM-8626  
the Amateur Radio Service Medium )  
and High Frequency Bands )

TO: The Commission

COMMENTS OF  
COLLEEN K. BRAKOB, NOPGL

I, Colleen K. Brakob, holder of an Amateur Radio General class license and Amateur Radio Station License (NOPGL), hereby respectfully submit comments in response to the PETITION FOR RULEMAKING, RM-8626, which was filed with the Commission on behalf of Frederick O. Maia, W5YI. I am opposed to the adoption of the petition on several grounds. My comments follow:

## **I. Introduction**

1. The instant Petition seeks changes to Part 97 rules which would result in the elimination of certain selected one-way Amateur Radio transmissions, specifically "Morse code practice" and "information bulletins", on frequencies below 30MHz. Mr. Maia asserts that the petition was written because he is "personally distressed at the level of anger" and "the impact this anger and the resulting malicious interference has on relatively new amateurs", a predominate percentage of which are Technicians with privileges only above 30MHz.

## **II. Selective Application**

2. The Petition does NOT seek to eliminate other currently authorized one-way transmissions such as propagation beacons or retransmission of NASA manned-spacecraft communications on MF and HF frequencies. It is not clear to me why these transmissions are exempted in the Petition, since they presumably would cause similar anger in other operators.

3. It also does NOT seek to eliminate any currently authorized one-way transmissions on frequencies above 30MHz. It can be expected that if Morse practice and information bulletins are banned from MF/HF frequencies, the organizations which sponsor these services will attempt to reconstruct a network similar broad-coverage services in the VHF bands, particularly the 2-meter band which is most popular with relatively new amateurs. Since this band is already highly congested in many areas of the country, and characterized by "channelized" operation, it would appear that the proposal would result in increased congestion, interference, and "anger" in the domain of the "relatively new amateurs", a specific group that the

petitioner states that his petition seeks to protect. Further, the loss of Morse practice transmissions would arguably have the largest negative impact on these same "relatively new amateurs" as they attempt to increase their Morse skills in preparation for upgrading.

### **III. Loss of Training Resources**

4. The Commissions rules and international regulations require demonstrated knowledge of Morse code for licensees who operate on frequencies in the MF/HF amateur bands. For many decades, individuals who aspire to gain an amateur license with HF privileges, and licensed amateurs seeking to upgrade their Morse reception skills have been served by extensive scheduled Morse practice transmissions on the HF bands. These transmissions of known calibrated speed, cover wide geographic areas, and are available at convenient times throughout the day. The petitioners suggestion that computer based Morse training is "easily accomplished" is only true for economically advantaged individuals who can afford a computer. A high percentage of aspiring licensees, especially young people and retired individuals, will not have access to computers and software suitable for structured Morse training.

### **III. Bulletin Services Link the Amateur Radio Community**

5. Loss of HF bulletin services would be a severe blow to some of the "missions" of the Amateur Radio service as stated in Paragraph 97.1 of the Commissions rules. These scheduled transmissions on CW, voice, and various digital modes provide a timely means of alerting amateurs to a wide variety of important information such as:

- propagation information
- FCC activities and rulings
- notification of disaster communications operations, operating frequencies, and FCC emergency declarations
- DX news
- timely communications satellite orbit data
- time-sensitive news of other types.

6. While there have been some recent incidents to the contrary ("editorials" and "talk shows"), the overwhelming use of this bulletin capability has been responsible and in the public interest.

7. The petitioners assertion that these bulletins could be provided through various computer based services is seriously flawed, in that it ignores the fact that such services are expensive, not universally available in many geographic areas, less timely, dependent on a telecommunications infrastructure which is likely to be overloaded or unavailable in a disaster area, and dependent on the possession of expensive computer equipment by the user.

8. Clearly these two types of one-way services have NOT "outlived their usefulness to the Amateur Radio Service" and should NOT be prohibited.

#### **IV. Amateur Radio is Based on Shared Use of the Assigned Spectrum**

9. Central to the petition is the idea that these one-way services cause undue interference to other communications and are incompatible with other types of spectrum usage. This argument is specious in that it ignores the "frequency agile" nature of modern Amateur Radio equipment and operating habits, and also ignores other popular Amateur Radio activities which are orders

of magnitude more likely to cause interference. Examples are "contesting" and "DX pileups"; both are popular pursuits which can cause much more interference to non-participants than all the Morse practice and bulletins put together. The petition does not seek to prohibit those more "disruptive" activities.

10. The schedules and frequencies of these Morse practice and information bulletin transmission stations are widely known and regularly published nationally and internationally. For decades their use of specific frequencies has been honored in "gentlemen's agreements" similar to other activities such as SSTV, "DX windows", weak signal segments, VHF "calling frequencies", and other pursuits which depend on a well known and predictable "home". This idea of accommodating special needs of certain kinds of operations is as old as Amateur Radio, and central to the Amateurs' ability to participate in such a wide variety of potentially competing activities in a shared-spectrum environment. In my view, singling out these two valuable services as undeserving of this type of accommodation puts Amateur Radio on a slippery slope of future prohibitions of many other uses of the Amateur Radio spectrum, until only the most vocal "petitioners" remain on the amateur bands.

#### **V. Petitioner Grossly Overstates the Situation**

11. Mr. Maia characterizes the current situation with the following sentence: "The proliferation of these stations has caused chaos in the amateur community that has now reached crisis proportions." To the contrary, it is my considered opinion that the instant petition is occasioned by a single "turf war" being waged between a somewhat controversial New England based individual who regularly transmits voice bulletins on a

particular 80-meter frequency, and a Southeastern US net which meets on the same frequency. The animosity between these parties is well known, and I believe has probably come to the attention of the Commission prior to Mr. Maia's petition. While this situation is certainly distressing, even disgusting, to most amateurs who are aware of it, it cannot be reasonably characterized as "chaos" of "crisis proportions".

12. Further, these stations certainly have not "proliferated" in the MF/HF bands as claimed. At present there are only two US stations, and a very limited number of non-US stations, who regularly transmit broad-coverage scheduled Morse practice, or Morse, voice, and teleprinter bulletins in the MF/HF amateur bands.

## **VI. Conclusion**

13. I urge the Commission to dismiss this petition because...

...it is internally inconsistent in that on one hand it states a desire to protect "relatively new amateurs" from "anger", but on the other hand seeks to deprive them of a very valuable tool which they use to improve their Morse skills preparatory to upgrading their licenses.

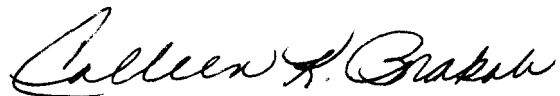
...loss of scheduled and timely information bulletin services would negatively affect many amateur pursuits such as propagation studies, satellite communications, "DX'ing", emergency communications alerting, and the broad dissemination of routine news affecting amateurs.

...it is counter to the long demonstrated concept that amateurs can successfully accomodate a variety of different activities in a shared-spectrum environment. Personally I fear

that the proposed rule change, if adopted, would precipitate a flood of similar petitions to ban other current activities which might be viewed as undesirable by some other group or individual. Carried to an unreasonable extreme, only those activities with the most persuasive "petitioners" would remain on the air.

...the petitioner, in my view, wildly overstates the situation for dramatic effect. While it is well known that conflicts have arisen, they are isolated situations between a very limited number of individuals. Current rules allow the Commission to deal with these situations if in fact any violations are determined to have occurred.

Respectfully submitted,  
Colleen K. Brakob, NOPGL

A handwritten signature in cursive script, reading "Colleen K. Brakob". The signature is written in dark ink and is positioned below the typed name.